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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,647	07/26/2000	Shashi Ramamurthy	411951-185	6325
23879	7590	06/30/2004	EXAMINER	
BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			YANG, CLARA I	
		ART UNIT		PAPER NUMBER
		2635		
DATE MAILED: 06/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/625,647	RAMAMURTHY ET AL.	
	Examiner Clara Yang	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 April 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 24-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 24-26, 30 and 31 is/are rejected.

7) Claim(s) 27-29 and 31 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 July 2000 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Response to Arguments

1. Applicant's arguments filed on 16 April 2004 have been fully considered but they are not persuasive.

On page 5, the applicant argues that Byford's wireless user terminals fail to generate a data packet based on an address and application-type stored in a radio frequency identification (RFID) tags. First, the examiner interprets "application-type" to mean a port number as taught by the applicant (see Fig. 3 and claim 31). Though Byford's RFID tag stores a universal resource locator (URL) instead of an IP address and a port number, a URL, according to the 18th edition of Newton's Telecom Dictionary, is an Internet address or "string expression that can represent any resource on the Internet or local TCP/IP system." The standard format for a URL comprises a field indicating the method of protocol to be used, such as hypertext transport protocol (HTTP), followed by the host's name, folder or directory on the host, and the name of the file or document. By specifying the method of protocol to be used, the URL identifies which port, such as Port 80 for HTTP or Port 25 for simple mail transfer protocol (SMTP), is being exercised at the client level (see third definition of "port" in the 18th edition of Newton's Telecom Dictionary). Consequently, the URL stored in Byford's RFID tag is based on first data field indicating an Internet protocol (IP) address and a second data field (e.g. "http") identifying a port.

In response to applicant's argument on page 5 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "an ability to utilize any of a plurality of application programs") are not recited in the claim 24. Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument on page 7 that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Though Byford teaches an RFID reader to retrieve a URL stored in an RFID tag and Reber teaches using a data reader, such as a bar code reader, to retrieve a URL encoded as a bar code, both teach a method and system that enable a person to easily access a World Wide Web (WWW) page without requiring a user to type in its electronic address.

Allowable Subject Matter

2. Claims 27, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The examiner interprets claim 28 to require a website hosting program for posting data stored within at least one of the RFID tags on a website.

Claim Objections

3. Claim 31 is objected to because of the following informalities: Change "second date field" to "second data field". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 24, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application GB 2,327,565A (Byford) in view of the 18th edition of Newton's Telecom Dictionary.

Referring to claim 24, Byford's wireless network 60, as shown in Fig. 1, comprises wireless network 60, Internet 10, and World Wide Web (WWW) servers 20 – 40. Per Byford, each WWW server stores application software in mass storage device 360, wherein the application software includes communications software for enabling communication of data between servers 20 – 40 and base station 50 (see page 5, lines 19 – 22) and web hosting software since each WWW server hosts at least one web page (see page 5, lines 21 – 22). Consequently, each of Byford's WWW servers 20 – 40 is understood to be (a) a server having a plurality of

application programs operating thereon. In addition, each WWW server must be connected to (b) a plurality of client computers, such as Byford's wireless network 60, via the Internet since the World Wide Web is "the universe of accessible information available on many computers spread throughout the world and attached to...the Internet" (see the definition for "World Wide Web" on p. 833 in the 18th edition of Newton's Telecom Dictionary). Still referring to Fig. 1, Byford's wireless network 60 comprises a plurality of radio frequency identification (RFID) tags 100 - 130, user terminals 70 - 90, and base station 50, wherein each user terminal has a tag reader 450 (see Fig. 4). Here it is understood that user terminals 70 - 90 and base station 50 form (c) an RFID reader that is connected to WWW servers 20 - 40 via Internet 10 and communicates with a plurality of tags 110 - 130. As shown in Fig. 5, each RFID tag has a data store 500 or memory. Byford's RFID reader comprises: (d) a radio module within tag reader 450 and a CPU 400 connected to tag reader 450, wherein tag reader 450 is responsive to commands provided by CPU 400 to perform transmit and receive operations with the plurality of RFID tags (see page 5, lines 25 - 30 and page 6, lines 3 - 7); and (e) ROM 420, which is coupled to CPU 400, for storing program instructions, wherein CPU 400 executes the program instructions for (f) detecting data loaded in RFID tags 100 - 130 (see page 5, lines 35 - 41 and page 6, lines 1 - 7 and 23 - 36). Though Byford's RFID tag stores a universal resource locator (URL) instead of an IP address and a port number, the standard format for a URL, according to the 18th edition of Newton's Telecom Dictionary, comprises a field indicating the method of protocol to be used, such as hypertext transport protocol (HTTP), followed by the host's name, folder or directory on the host, and the name of the file or document. By specifying the method of protocol to be used, the URL identifies which port, such as Port 80 for HTTP or Port 25 for simple mail transfer protocol (SMTP), is being exercised at the client level (see third definition of "port" on p. 579 in

the 18th edition of Newton's Telecom Dictionary). Consequently, the URL stored in Byford's RFID tag is based on first data field indicating an Internet protocol (IP) address and a second data field (e.g. "http") identifying a port or application program. Byford's RFID reader also includes CPU 200 (see Fig. 2), which is connected to each tag reader 450 via wireless link 290, wireless link 430, and CPU 400, wherein CPU 200 executes program instructions stored in ROM 220 for (g) transmitting the URL received from CPU 400 to the designated WWW server in order to retrieve the web page specified by the received URL (see page 6, lines 36 - 41 and page 7, lines 1 - 6). Though Byford omits expressly teaching that CPU 200 of the RFID reader has program instructions for generating a data packet based on the URL, the Examiner takes Official Notice that Internet protocols, such as TCP/IP, require data to be transmitted via data packets (see definition for data packet on p. 203 in the 18th edition of Newton's Telecom Dictionary). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modifying the program instructions for Byford's CPU 200 such that the instructions include (h) generating data packets based on the received URL because sending data in packets is more efficient than sending data one character at a time.

Regarding claims 30 and 31, as explained above, a URL comprises at least a protocol field (such as "http") and a host name field (which translates to an IP address); therefore RFID tag's URL comprises a data field defining (1) a Port Number (which is Port 80 as indicated by the use of HTTP) and a data field defining (2) an IP address of a TCP/IP protocol.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application GB 2,327,565A (Byford) in view of the 18th edition of Newton's Telecom Dictionary as applied to claim 24 above, and further in view of U.S. Patent No. 6,400,272 (Holtzman et al.).

Byford, as modified by Newton's Telecom Dictionary, omits teaching that CPU 400's program instructions include periodically transmitting an interrogation signal.

In an analogous art, Holtzman discloses an RFID reader 15, as shown in Figs. 1, 2, and 5, comprising: (a) transceiver 118 or radio module; (b) microcontroller 112 or processor connected to transceiver 118 for providing transmit and receive commands to transceiver 118 (see Col. 7, lines 48 - 67; Col. 8, lines 1 - 67; and Col. 9, lines 1 - 42); and (c) computer 10 with main memory 54 for storing program instructions (see Col. 4, lines 15 - 17 and 33 - 35). Holtzman teaches that RFID reader 15's program instructions include: (d) detecting data received from at least one token 20 or RFID tag (see Col. 3, lines 14 - 25; Col. 7, lines 59 - 67; and Col. 8, lines 1 - 4); (e) determining the processing information and destination address from the data transmitted by token 20 (see Col. 3, lines 57 - 67 and Col. 4, lines 1 - 12); and (f) communicating information to servers 30a - 30c or external systems in accordance with the detected destination address and proper protocol (see Col. 3, lines 57 - 67; Col. 4, lines 1 - 12). Per Holtzman, the program instructions for RFID reader 15 further include periodically transmitting an interrogation signal to communicate with RFID tags (see Col. 9, lines 8 -12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the program instructions of Byford's CPU 400 as modified by Newton's Telecom Dictionary according to the teachings of Holtzman because periodic interrogation eliminates a user having to manually select the interrogation action, thereby enhancing the functionality and user-friendliness of user terminals 70 - 90.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application GB 2,327,565A (Byford) in view of the 18th edition of Newton's Telecom Dictionary as applied to claim 24 above, and further in view of U.S. Patent No. 5,903,729 (Reber et al.).

Byford's WWW servers 20 - 40, as modified by the 18th edition of Newton's Telecom Dictionary, has application software that enables it to communicate with base station 50 (see page 5, lines 19 - 22). In addition, as explained above in claim 24, each WWW server also has web-hosting software. Byford, however, is silent on each WWW server having an email program for sending an email message to a destination computer system that is identified by the URL stored on a tag.

In an analogous art, Reber teaches a system for linking to at least one resource in an electronic network 10. Reber's system, as shown in Fig. 1, comprises: (a) network access apparatus 20 or client computer connected to electronic network 10, which includes the Internet, the World Wide Web, or an intranet; (b) data reader 36; and (c) network navigation device 12. Per Reber, navigation device 12 includes data items 16 and 18, each data item having an electronic address to identify its corresponding resource (i.e., "destination computer system"). The electronic address is at least a URL or an IP address. (See Col. 4, lines 4 - 20.) Reber then adds that URL protocols include "mailto:" for sending an email message and that navigation device 12 can be used for automatically sending an email message (see Col. 4, lines 25 - 35). In order for network access apparatus 20 to send an email to a destination system specified by the URL, electronic network 10's server must have at least an email program.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Byford's base station 50 as taught by Reber because a WWW server having an email program enables the URL protocol "mailto:" to be used in addition to the "http:" protocol, thereby improving the functionality and convenience of the system by automatically sending email messages to the designated address (see Reber, Col. 4, lines 33 - 35).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (703) 305-4086. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CY
21 June 2004



BRIAN ZIMMERMAN
PRIMARY EXAMINER